

Atty Dkt No. 7010-0018
USSN: 09/922,218
PATENT

RESPONSE

Election of Claims:

The Office has required election of one of the following groups of claims:

- Group I:** Claims 39-48, drawn to pharmaceutical compositions, classified in class 514, subclass 1+;
- Group II:** Claims 49-55, drawn to pharmaceutical compositions, classified in class 424, subclass 426;
- Group III:** Claims 56-63, drawn to methods for making a powdered pharmaceutical composition, classified in class 514, subclass 1+;
- Group IV:** Claims 64-71, drawn to methods for making a powdered pharmaceutical composition, classified in class 514, subclass 1+; and
- Group V:** Claims 72-80, drawn to methods for delivering a pharmaceutically active agent, classified in class 514, subclass 1+.

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Applicants hereby elect to prosecute the claims of Group IV, claims 64-71, without traverse. Applicants expressly reserve their right under 35 USC §121 to file a divisional application directed to the nonelected subject matter during the pendency of this application.

Election of Species:

The Office seems to have required a species election (see Office Action page 4), that is, to "elect the species under pharmaceutically active agent." However, no species have been identified by the Office, and the subject species election is confusing particularly with respect to the method claims of Group IV. Accordingly, applicants respectfully traverse the species election. Unfortunately, since no species were identified by the Office, applicants cannot respond by electing a species, and cannot thus list claims reading thereon. Should the Office decide to maintain the species requirement, applicants request clarification and identification of the species from which to choose.

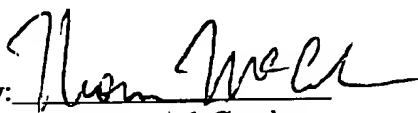
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CONCLUSION

Applicants respectfully submit that the claims as now pending define an invention which complies with the requirements of 35 U.S.C. § 112 and which is novel and nonobvious over the art. Accordingly, allowance is believed to be in order and an early notification to that effect is earnestly solicited. Applicants further ask that, should the Examiner note any minor remaining issues that may be resolved with a telephone call, that the Examiner contact the undersigned in the UK at +44 1865 332 600.

Respectfully submitted,

Date: 2 December 2002

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